



House of Representatives

General Assembly

File No. 490

February Session, 2002

Substitute House Bill No. 5155

House of Representatives, April 15, 2002

The Committee on General Law reported through REP. FOX of the 144th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING TEMPORARY ASSISTANCE DURING PERIODS OF EMERGENCY OR DISASTER.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 Section 1. (NEW) (*Effective October 1, 2002*) (a) The Commissioner of
- 2 Public Health may issue an order to temporarily suspend, for a period
- 3 not to exceed sixty consecutive days, the requirements for licensure,
- 4 certification or registration, pursuant to chapters 368d, 370, 376, 376c,
- 5 378, 378a, 381a, 383 to 383c, inclusive, 384d, 385, 395, 400a and 474 of
- 6 the general statutes, to allow persons who are appropriately licensed,
- 7 certified or registered in another state or territory of the United States
- 8 or the District of Columbia, to render temporary assistance in
- 9 managing an emergency in this state, declared pursuant to any
- 10 provisions of the general statutes, arising from natural disaster,
- 11 technological hazard, man-made disaster, civil emergency aspects of
- 12 resources shortages, community disorders, insurgency or enemy
- 13 attack.

14 (b) The state of Connecticut shall pay on behalf of any licensed,
15 certified or registered practitioner described in subsection (a) of this
16 section who renders emergency medical or professional assistance,
17 pursuant to subsection (a) of this section, at the scene of an emergency
18 to a person in need thereof, all sums which such practitioner becomes
19 obligated to pay by reason of such practitioner's liability for damages
20 imposed upon such practitioner as a result of such practitioner's
21 conduct pursuant to subsection (a) of this section.

22 (c) Nothing in this section shall be deemed or construed to relieve a
23 licensed practitioner from liability for damages for injuries or death
24 caused by an act or omission of the part of a practitioner while
25 rendering professional services in the normal and ordinary course of
26 such practitioner's practice.

This act shall take effect as follows:	
Section 1	<i>October 1, 2002</i>

GL *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Fund-Type	Agency Affected	FY 03 \$	FY 04 \$
GF - Cost	Attorney General	Potential Significant	Potential Significant
GF - Cost	Adjudicated Claims Account	Potential Significant	Potential Significant
GF	Department of Public Health	None	None

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill indemnifies health-related practitioners from other states who render temporary assistance in managing an emergency in this state for all sums that they become obligated to pay in damages for personal injuries arising from said assistance (excluding malpractice). This could result in significant costs to the state for litigation and payments for damages. The extent of these potential costs is uncertain, but likely to be significant. It is anticipated that the Attorney General would represent the state in these cases. Any payments for damages would be made from the resources of the General Fund via the adjudicated claims account within the Office of the State Comptroller.

No fiscal impact is anticipated to result for the Department of Public Health as health professionals who would render assistance during an emergency would not otherwise be seeking licensure from the department.

OLR Bill Analysis*sHB 5155****AN ACT CONCERNING TEMPORARY ASSISTANCE DURING PERIODS OF EMERGENCY OR DISASTER*****SUMMARY:**

This bill allows the public health commissioner to order a temporary suspension of state licensure, certification, or registration requirements for certain health-related practitioners from other states providing temporary assistance in Connecticut during an emergency or disaster. The out-of-state practitioner must be appropriately credentialed in another state or U.S. territory.

The temporary assistance period cannot exceed 60 days. The emergency situation must be due to natural disaster; technological hazard; man-made disaster; and civil emergency aspects of resource shortages, community disorders, insurgency, or enemy attack.

The bill requires the state to pay on behalf of such practitioners providing emergency assistance at an emergency scene all sums which the practitioner becomes obligated to pay because of liability for damages imposed on him as a result of his conduct. The bill also, specifies that it does not protect a licensed practitioner from liability for damages for injuries or death caused by his act or omission while providing professional services in the normal course of his practice.

EFFECTIVE DATE: October 1, 2002

AFFECTED HEALTH PRACTITIONERS

The bill applies to the following health-related practitioners: emergency medical service personnel, physicians and surgeons, physical therapists, radiographers and radiologic technologists, nurses, nurse's aides, respiratory care practitioners, psychologists, marital and family therapists, clinical social workers, professional counselors, paramedics, embalmers and funeral directors, sanitarians, asbestos contractors and consultants, and water treatment plant or water distribution system operators.

BACKGROUND***Legislative History***

The House referred this bill (File 25) to the General Law Committee on March 21. On March 28 that committee reported the substitute bill that requires the state to pay those sums that practitioners become obligated for because of liability for damages related to their conduct while providing emergency assistance.

COMMITTEE ACTION

Public Health Committee

Joint Favorable Substitute

Yea 21 Nay 0

General Law Committee

Joint Favorable Substitute

Yea 9 Nay 2